

Crime of murder under section 140 of the criminal code: criminal law, criminological and criminalistic aspects

Abstract

This thesis is intended to provide the reader with a comprehensive overview of the crime phenomenon of murder not only from a criminal law point of view, but also from a criminological and criminalistic point of view.

Before the analysis of the actual questions is first described the history of the legal regulation of murders in the territory of nowadays Czech Republic, as the outline of the development and approach to punishment of murders in history serves to better understand the form of the present arrangement and its meaning. Subsequently, the term human life is described, in which it is important to define its beginning and end, as it is highlighted that it is the object of the murder crime and the most important criminal code protected by the interest.

After that, the issue of the crime of murder from the point of view of criminal law is already addressed, especially by its inclusion within the system of intentional killing, which is contained in the current Criminal Code. At the beginning, the elements of a crime of murder are characterized and typified. Then the space is given to analysis the types of murders and their features as they are defined in § 140 of the Criminal Code. The development stages of the crime of murder and the possibilities of their criminal law are described too. The question of euthanasia, which is currently criminalized as a crime of murder, is also briefly described and contains a consideration of possible legal arrangement that can better reflects the nature of this act.

The own chapter is dedicated to theme of punishing murders. Here are raised not only the questions of the current permissible possibilities of punishing murderers, but also the death penalty, which has been a standard punishment for murderers. The criminal law part of the thesis ends with the analysis of the sanctioning of murders committed by young people, which, due to the existence of a special regulation, leads to considerable differences compared to punishment of adult offenders.

Then, the criminological aspects of homicide are already addressed. First, there is clarified the concept of criminology and the subject of its investigation. Subsequently, the concept of murder is already criminologically defined as part of violent crime and the definition and essence of violent crimes, the terms characterizing it, and its inclusion in the context of overall criminality, which also uses current police statistics. It follows the very characteristic of the various types of murders investigated as cases of sociopathological phenomena, the analysis of offenders and victims of murders, including the analysis of the possibilities of prevention of murders.

The last chapter deals with the criminalistic aspects of murders. There is the description of a murder investigation methodology as part of a particular part of the criminalistics. Due to the concept of the work, all components of the murder investigation methodology and their particularities are briefly described here. As far as the scope of the work is concerned, only the most important circumstances, which are encountered by the investigators during the investigation of murders, are mentioned for each component.

Key words: murder, intentional killing, human life, violent crime, methodology of investigation of murders